IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

C.A. NO.2166 OF 2007
IN
FIRST APPEAL ST. NO.6958 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr.S.R.Singh i/b.Ms.Bhavna Bhat
for the applicant.

Mr.M.B.Kotak for respondent no.1.

CORAM : ANOOP V. MOHTA,J.

DATED : 29th October, 2007

P.C.

Mr.Kotak, advocate waives notice on behalf of respondent no.1.

This is an application filed by the appellant-National insurance company for condonation of 69 days delay in filing the present first appeal against the judgement and order dated 16.11.2006 passed by the Commissioner for Workmen Compensation (Labour Court, Mumbai).

The learned counsel for

respondent no.1-claimant by affidavit dated 28.10.2007 resisted this application mainly on the round that such lethargy and latches on the part of the Insurance company, & as insurance company is spending public money should not be the reason to condone the delay.

The learned counsel for respondent n.1 submitted that there is no case made out by the appellant to interfere with the reasoning given by the court.

The learned counsel for the appellant however resisted and submitted that respondent no.1 is not entitled to this much compensation as ordered.

Considering the averments made in paras 2 and 3 and further the fact of obtaining necessary sanction and permission from the Head office and the time spent in such aspects just cannot be overlooked. In my

view, it is in the interest of both the parties that such appeal is heard on merit instead of rejecting such appeal at this stage on the basis of the objections.

In the facts and circumstances of the case, the citation on **1996 ACJ 222-**Oriental Insurance company Ltd. vs. Zarifa & ors., cannot be extended in favour of respondent no.1. The present matter is under Workmen Compensation Act. The appellant has already deposited the entire amount.

Taking all this into account, the application is allowed in terms of prayer (a). Delay is condoned. Appeal be listed for admission after due registration. However, the above order is subject to the payment of Rs.1,000/- to be paid within two weeks to respondent no.1.

[ANOOP V. MOHTA,J.]